

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to the management of single-use
3 plastic products; amending s. 403.7033, F.S.;
4 requiring the Department of Environmental Protection
5 to update its 2010 retail bag report at specified
6 intervals; providing requirements for the updated
7 reports; creating s. 403.7034, F.S.; defining the term
8 "coastal community"; authorizing certain coastal
9 communities to establish pilot programs to regulate
10 the use of single-use plastic products; providing for
11 the adoption and expiration of the ordinances required
12 to establish the pilot programs; directing
13 participating municipalities to collect data and
14 submit reports to the municipal governing bodies and
15 the department; providing for expiration of the pilot
16 programs; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 403.7033, Florida Statutes, is amended
21 to read:

22 403.7033 Departmental analysis of particular recyclable
23 materials.—

24 (1) The Legislature finds that prudent regulation of
25 recyclable materials is crucial to the ongoing welfare of
26 Florida's ecology and economy. As such, the Department of
27 Environmental Protection shall review and update its 2010 report
28 on retail bags analyzing the need for new or different
29 regulation of auxiliary containers, wrappings, or disposable

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30 plastic bags used by consumers to carry products from retail
31 establishments. The updated report must include input from state
32 and local government agencies, stakeholders, private businesses,
33 and residents ~~citizens~~ and must evaluate the efficacy and
34 necessity of both statewide and local regulation of these
35 materials. To ensure consistent and effective implementation,
36 the department shall submit the updated report with conclusions
37 and recommendations to the Legislature by ~~no later than~~ December
38 31, 2021. Beginning December 31, 2026, and every 5 years
39 thereafter, the department shall submit an updated report with
40 conclusions and recommendations to the Legislature by December
41 31 of each year in which an updated report is due.

42 (2) Until ~~such time that~~ the Legislature adopts the
43 recommendations of the department, a local government, local
44 governmental agency, or state governmental agency may not enact
45 any rule, regulation, or ordinance regarding the use,
46 disposition, sale, prohibition, restriction, or tax of ~~such~~
47 auxiliary containers, wrappings, or disposable plastic bags.

48 Section 2. Section 403.7034, Florida Statutes, is created
49 to read:

50 403.7034 Municipal pilot programs for the regulation of
51 single-use plastic products.-

52 (1) As used in this section, the term "coastal community"
53 means a municipality within this state which abuts or borders
54 the Gulf of Mexico; the Atlantic Ocean; or a saltwater bay,
55 sound, strait, inlet, lagoon, salt marsh, or coastal wetland, or
56 other saltwater body immediately adjacent to the Gulf of Mexico
57 or the Atlantic Ocean.

58 (2) Notwithstanding s. 403.7033(2), and pending adoption by

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59 the Legislature of the department's recommendations in the
60 updated 2010 retail bag report submitted pursuant to that
61 subsection, a coastal community with a population of less than
62 100,000 may establish a pilot program to regulate the use of
63 single-use plastic products within that municipality.

64 (3) A coastal community that establishes a pilot program
65 pursuant to subsection (2) shall do all of the following:

66 (a) Adopt an ordinance to regulate the use of single-use
67 plastic products within the municipality's jurisdiction. The
68 ordinance must take effect by July 1, 2023, and must expire by
69 June 30, 2025. The ordinance may not authorize or impose any new
70 taxes or fees on the use or distribution of single-use plastic
71 products or disposable plastic bags.

72 (b) Collect pertinent data and prepare a report analyzing
73 the results and effectiveness of the pilot program. By May 1,
74 2025, the municipality shall submit the report to the governing
75 body of the municipality that established the pilot program. The
76 report must be presented during a publicly noticed meeting
77 during which the municipality may receive public comments on the
78 report.

79 (c) Submit a copy of the report required under paragraph
80 (b) to the department by June 30, 2025.

81 (4) This section expires July 1, 2025.

82 Section 3. This act shall take effect upon becoming a law.